

# ROMANIA

**Prosecutor's Office attached to the  
High Court of Cassation and Justice  
DNA – National Anticorruption  
Directorate**



**COOPERATION FOR NON-CONVICTION  
BASED CONFISCATION BETWEEN DNA  
–National Anticorruption Directorate and  
ANI – National Agency for Integrity - CASE :  
ARGES DRIVING LICENSES BRIBERY**

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**WORKSHOP ON STRENGTHENING REGIONAL COOPERATION IN THE AREA OF ASSET  
RECOVERY BY CREATING A REGIONAL**

**NETWORK OF PRACTITIONERS AND BUILDING A PLATFORM FOR EXCHANGE OF  
INFORMATION, EXPERIENCE AND GOOD PRACTICES**

**2-4 DECEMBER 2009, SOFIA, BULGARIA**

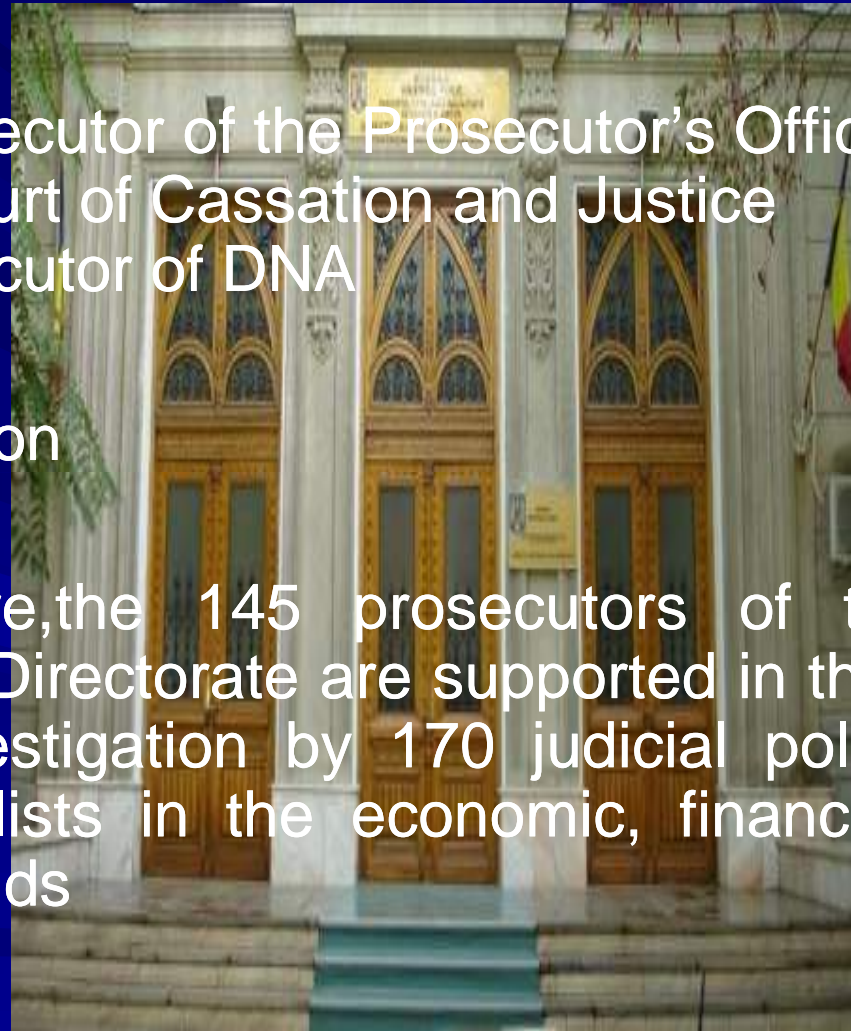


# ROMANIA - DNA

- set up in 2002 as an independent specialized anticorruption prosecution office, later on, it was reorganized as a special structure, under the authority of the General Prosecutor
- specialized prosecutorial and investigative agency competent in the field of countering high and medium level corruption offences
- DNA is independent in relation with the courts, the other prosecution offices, as well as in relation with the other public authorities

# ROMANIA - DNA

- led by the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice through the Chief Prosecutor of DNA
- has nationwide jurisdiction
- is a complex structure, the 145 prosecutors of the National Anticorruption Directorate are supported in their activity of criminal investigation by 170 judicial police officers and 55 specialists in the economic, financial, banking, customs, IT fields



## DNA – COMPETENCE



- bribery offences – if the value of the bribe is over 10.000 Euro
- offences assimilated to corruption – if the value of the damage caused is over 200.000 Euro
- bribery offences and offences assimilated to corruption, regardless the value of the bribe or damage – when committed by persons with certain high level public positions (*Members of Parliament, Members of Government, generals, magistrates, prefects, mayors, police officers, directors of national companies etc.*)

## DNA – COMPETENCE



- offences directly connected to those of corruption
- offences against the financial interests of the European Communities – regardless the value of the damage
- serious economic offences – if the damage caused is over 1.000.000 Euro

## DNA INVESTIGATION TEAM



- DNA prosecutor carries out the investigation
- the police carry out only those investigative acts precisely delegated by the prosecutor
- DNA prosecutor sets up the case investigation team composed by DNA judicial police officers and request the assistance of the DNA specialists

## DNA COOPERATES DURING THE INVESTIGATIONS WITH OTHER INSTITUTIONS



- state agencies with control attributions, intelligence services and police – are obliged to provide DNA with all the data and information they detain regarding the perpetration of corruption offences that fall under its jurisdiction
- some of the state agencies, according to their competence, give further assistance to the investigations carried out by DNA, following the prosecutors' request



# DNA COMPETENCE IN FREEZING THE ASSETS BEFORE CONVICTION



- **general rule : when any type of crime is committed, interim measures can be established during the criminal trial either by the prosecutor or by the judicial court, which consist in freezing, by establishing a sequester, the movable and immovable assets, with a view to special confiscation, compensating the damages generated through the perpetration of the crime, as well as to guaranteeing the execution of the penalty with a fine**

# DNA COMPETENCE IN FREEZING THE ASSETS BEFORE CONVICTION



- art. 22 of the GEO no. 43/2002 on the National Anticorruption Directorate and art. 20 of the Law no. 78/2000 for the prevention, identification and sanctioning of corruption deeds, DEROGATORY from general rules
- in corruption cases, the adoption of provisional measures is **COMPULSORY**

# DNA COMPETENCE IN FREEZING THE ASSETS BEFORE CONVICTION



- for 2008, the estimated value of assets seized by DNA is over 200 millions EURO
- for the first semester of 2009, the estimated value of assets seized by DNA is over 0,3 billions EURO

## CASE : ARGES DRIVING LICENSES BRIBERY

- cooperation of the DNA prosecutors with police structures and other state institutions
- a fraudulent scheme for the release of driving licenses by the Service for Driving Licenses and Cars Registration (SDLCR) from the county ARGES
- 22 police officers, civil servants and other persons arrested and 28 sent to trial



# CASE : ARGES DRIVING LICENSES BRIBERY

- in 2006 – 2008 a criminal organized group - police officers, civil servants from some public administration services, other persons, each having a special role in the process – for about 2000 -5000 Euro/person issued driving licenses based on false documents

## MODUS OPERANDI

- collecting the requests of the candidates resident in other counties
- identifying apartment owners from Arges County willing to falsely attest the residence of the candidates in their apartments



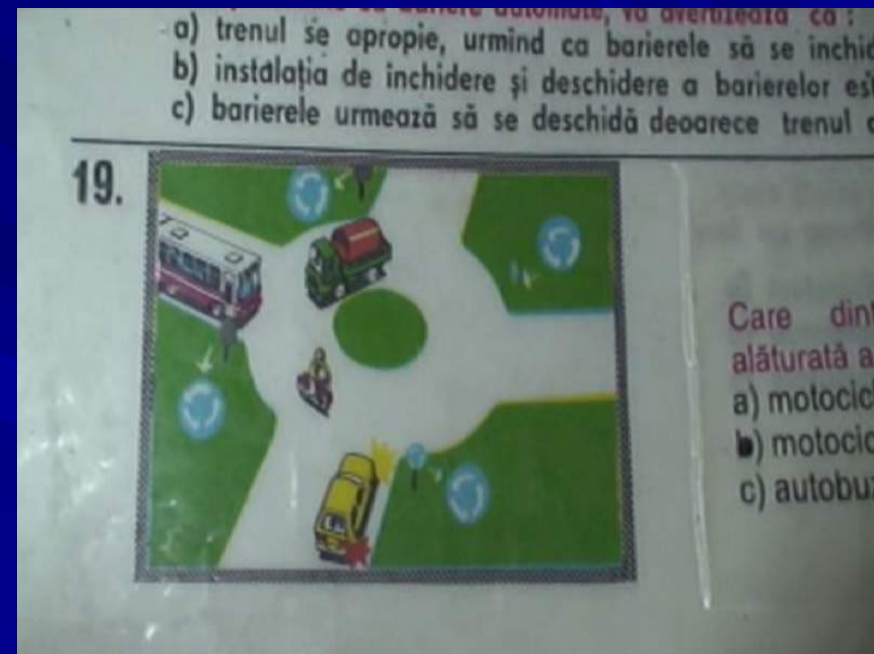
# CASE : ARGES DRIVING LICENSES BRIBERY

- collecting certificates falsely attesting that the candidates took driving lessons and had residence in Arges County
- registration of the candidates files based on false documents at the Service for Driving Licenses and Car Registrations (SDLCR)



# CASE : ARGES DRIVING LICENSES BRIBERY

- priority programming of the bribing candidates for “driving examination”
- defrauding the theoretical and practical examination



# CASE : ARGES DRIVING LICENSES BRIBERY

- undercover investigators from DGA authorized by the DNA prosecutor
- wiretapping of communications, localization of suspects, operative surveillance were conducted
- documents, computers, money were seized
- 27 searches were carried out simultaneously, 22 perpetrators were arrested









# CASE : ARGES DRIVING LICENSES BRIBERY

- all this with the contribution of DGA – General Anticorruption Directorate within the Ministry of Interior and Administrative Reform, Directorate for Information and Internal Protection (DGIPI), Romanian Gendarmery



# CASE : ARGES DRIVING LICENSES BRIBERY

- 28 defendants send to trial for organizing a criminal group and receiving bribe, different amounts between 2000 and 25 000 EURO – the trial is ongoing
- concerning one of the defendants, more important for our presentation, a police chief commissioner, head of the Service for Driving Licenses and Car Registrations from Arges County , the DNA prosecutors found evidence for receiving 15 000 EURO bribery – at his home, they found and seized about half million EURO cash



# **CASE : ARGES DRIVING LICENSES BRIBERY**

## **Cooperation in the investigation into the wealth of the perpetrators**

- Information from the National Office for the Prevention and Combating of Money Laundering – on suspicious transactions
- Information from the Tax Departments of the Local Councils – on the real estate



## **CASE : ARGES DRIVING LICENSES BRIBERY COOPERATION FOR NON-CONVICTION BASED CONFISCATION**



- **13 th June 2008 - 27 searches were carried out simultaneously by DNA teams**
- **documents, computers, money were seized**
- **15 th June 2008 DNA press-statement**
- **23th June 2008, ex officio notification of the National Integrity Agency on 9 public officials involved in ARGES DRIVING LICENSES BRIBERY CASE**
- **in december 2008,DNA sent the 28 defendants in front of the criminal court**

## **CASE : ARGES DRIVING LICENSES BRIBERY COOPERATION FOR NON-CONVICTION BASED CONFISCATION**

### **ANI**

- **verification of assets acquired by the public officials during their mandate**
- **ascertaining of the unjustified difference between the assets acquired and the legal income of the public official**



**CASE : ARGES DRIVING LICENSES BRIBERY  
COOPERATION FOR NON-CONVICTION BASED CONFISCATION**





**CASE : ARGES DRIVING LICENSES BRIBERY  
COOPERATION FOR NON-CONVICTION BASED CONFISCATION**





- in June and July 2008, DNA prosecutors sent documents to ANI concerning the assets of those 9 public officials, mainly police officers, and their families
- 6 th February 2009, ANI notifies to Pitesti Court of Appeal – Section for Contencious and Fiscal Matters that the police chief commissioner, head of the Service for Driving Licenses and Car Registrations from Arges County can not justify the amount of money found by the DNA prosecutors at his home ( aprox. 455 000 EURO, 1580 USD an over 145 000 RON )
- during 2000 – 2008, he and his family has incomes about 735 000 RON and the acquired assets is over 3 millions RON, so it is obviously unjustified a difference of more than 2 millions RON - at 2009 currency, about 500 000 EURO

PITESTI COURT OF APPEAL, IN NOVEMBER 4<sup>th</sup>, 2009, ORDERED THE NON-CONVICTION BASED CONFISCATION OF THIS HALF MILION EURO – THE DECISION IS NOT FINAL



**CASE : ARGES DRIVING LICENSES BRIBERY  
COOPERATION FOR NON-CONVICTION BASED CONFISCATION**

More interesting,  
specific details about  
the non – conviction  
based confiscation  
will be presented by  
our colleague,  
integrity inspector  
from ANI.

**THANK YOU !**

